

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

TILFORD BLACK,

Plaintiff,

v.

CIV 10-0499 JCH/KBM

CAPTAIN EDDIE HOGAN,
CAPTAIN MATT CANDELARIA,

Defendants.

ORDER DENYING APPOINTMENT OF COUNSEL

THIS MATTER is before the Court on Plaintiff's request for appointment of counsel. *See Doc. 104.* In considering whether to appoint counsel for indigent plaintiffs under 28 U.S.C. § 1915(d), the factors this Court should consider include “the merits of the litigant's claims, the nature of the factual issues raised in the claims, the litigant's ability to present his claims, and the complexity of the legal issues raised by the claims.”” *Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995) (quoting *Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991)). Plaintiff argues that his incarcerated status will limit his ability to research and litigate this matter. The docket and long history of this case conclusively reflects otherwise.

Wherefore,

IT IS HEREBY ORDERED that Plaintiff's motion for appointment of counsel (*Doc. 104*) is DENIED WITHOUT PREJUDICE.



UNITED STATES CHIEF MAGISTRATE JUDGE